

## Minutes of the State Board of Health

January 9, 2002

A meeting of the Washington State Board of Health (SBOH) was held at the Wa He Lut Indian School at Frank's Landing Indian Community, Thurston County, Washington. The public meeting of the SBOH was called to order at 9:05 a.m. by Linda Lake, Chair, who addressed the attendees with the following statement:

"This is a public meeting of the SBOH held under provision of RCW 43.20. Notice of the meeting was provided in accordance with provisions of RCW 34.05, the Administrative Procedures Act. Those members having any conflict of interest on any item coming before the Board will report that conflict with respect to the particular subject under consideration. In case of challenge of any Board members by the public, the Board shall decide the status of the challenged members to participate before considering the substance of the matter.

Copies of all materials supplied to the Board for today's meeting have been available since close of business last Friday from the Board's Olympia office and on the Board's Web site at [www.doh.wa.gov/sboh](http://www.doh.wa.gov/sboh). They are also available today, along with anything else we have received since, at the table in the back of the room. To conserve public funds, we have only made as many copies as we feel will be needed, so we may run out of some particularly popular items. If you do not find a document you need, please ask Desiree Robinson, or another Board staff person for one.

Our meeting today is open to the public, so please feel free to listen in on informal discussions involving Board members or staff, including any that may occur during breaks or lunch."

**The following Board members were present:**

Linda Lake, MBA, Chair  
Vickie Ybarra, RN, MPH  
Mary Selecky, Secretary, Department of Health  
Margaret Pageler, JD

Neva Corkrum, JD  
Thomas H. Locke, MD, MPH  
Joe Finkbonner, MHA  
Carl Osaki, RS, MSPH

**State Board of Health Staff present:**

Don Sloma, Executive Director  
Craig McLaughlin, Senior Health Policy Manager  
Doreen Garcia, Senior Health Policy Advisor  
Marianne Seifert, Health Policy Advisor

Desiree Robinson, Executive Assistant  
Jennifer Dodd, Assistant to the Board  
Melissa Burke-Cain, Assistant Attorney General

**Guests and Other Participants:**

Trudy Marcellay  
Phillip L. Ambrose III  
Larry Buckner  
Yvonne Misaiszek  
Nancy Dufrane  
Gwen Gua  
Joel Hastings  
Crystal Tetrica  
Kristina Sparks  
Lorna Stone  
Marie Flake  
Tim Church  
Rhoda Donkin

Jeff Mero  
Sherilynn Casey  
Mark Oberle  
Ree Sailors  
Vickie Wilson  
Cheryl Bittle  
Marilyn Wandrey  
Rosemary Coleman  
Kimberly Craven  
Lisa Pemberton-Butler  
Lisa Weber  
Leah Henry-Tanner  
Matt Remle

Senator Pat Thibadeau  
Bill Day  
Craig Fredrickson  
Jon Claymore  
Grandpa Joe  
Marlene Andrews  
Billy Frank

Mel Tonasket  
Ralph Forquera  
Francine Romero  
Cindy Lowe  
Marilyn Scott  
Brian Cladoosby  
Maxine Hayes

Other members of the American Indian Health Commission

### **APPROVAL OF AGENDA**

Chair Linda Lake noted that lunch would end at 12:30 and the Board would then reconvene with the American Indian Health Commission (AIHC) to see a performance by Wa He Lut School children. Board member Joe Finkbonner said Francine Romero would not be able to attend the meeting, and Mr. Finkbonner would present the Indian Health Status overview instead.

***Motion:** To approve the January 9, 2002 agenda as amended.*

***Motion/Second:** Osaki/Finkbonner*

***Approved:** unanimously*

### **ADOPTION OF November 14, 2001 MEETING MINUTES**

***Motion:** To approve the November 14, 2001 minutes as submitted.*

*Tom Locke said he would like to amend his statement on page 7 to read, "He described syndromic surveillance being an active surveillance system, rather than the passive system in place now."*

***Amended by Tom Locke***

***Motion/Second:** Finkbonner/Locke*

***Approved:** unanimously as amended*

### **WELCOME – WA HE LUT INDIAN SCHOOL**

Mr. Jon Claymore, principal of the Wa He Lut Indian School, stated that he is striving to make it the best Native American school in the state, the country and the world. Mr. Claymore stated that the school has 122 students and 37 staff members. He discussed the school's curriculum and talked about how the staff and students prepared for today's events. He said he believes today is part of history because it is the first time that the State Board of Health and the American Indian Health Commission have met together.

### **DEPARTMENT OF HEALTH UPDATE**

Dr. Maxine Hayes, State Health Officer and delegate for Secretary Mary Selecky during the morning session, stated that this week is an important time for DOH because it is launching a state-designed anti-tobacco media campaign. In the past DOH has used media campaign materials developed by other states. The media campaign launched this week is more graphic because many kids gave the department feedback that they didn't want sugarcoated messages. January will be filled with messages on billboards, buses, magazines, newspapers, television, radio and other forms of media.

Dr. Hayes then discussed the NARAL report, The Contraception Report: A State-by-State Review, released in December. The report provides information on each state and gives Washington an "A". Dr. Hayes also reported that the federal government is providing \$865 million for emergency preparedness. Secretary Selecky will participate in the dialogue between CDC, ASTHO, NACHO, and others to assure funds are going to the right places so that states can be prepared for an emergency, especially bioterrorism.

### **BOH STAFF ANNOUNCEMENTS AND OTHER BOARD BUSINESS**

Don Sloma, SBOH Executive Director, stated that he would be giving the keynote address to the Washington State Nurses Association. Board member Vickie Ybarra asked Mr. Sloma to

acknowledge in his address that Ms. Judy Huntington has been working on the Board's diversity efforts. Board Member Tom Locke asked Mr. Sloma to mention that the WSNA has taken a leadership role and to acknowledge the large number of nurses who have been the backbone of public health. Dr. Hayes asked Mr. Sloma to use the opportunity to explain what SBOH is, what it has been charged to do, and ask for nurses to participate in our efforts.

Mr. Sloma then reported that the Governor's budget reduces the Board's budget by 15 percent. Board Member Neva Corkrum stated that in the past boards and commissions have been exempt from cuts. Ms. Corkrum is concerned about the effectiveness of the board. There needs to be an effective public forum for discussion and debate—so how will the Board function with the 15 percent reduction? She suggested that we should lobby Secretary Selecky for help. Dr. Locke discussed his deep concern about the reduction because the Board is a partner in the state's public health infrastructure. He stated that budget crisis cuts are an indication of what can happen to an agency in the future and it can be an incremental dismantling of necessary capacity. Board Member Carl Osaki suggested that the Board apply for private grants, however Mr. Sloma mentioned that the Board might not be permitted to do so. Ms. Corkrum asked about reductions other boards and commissions have been asked to take and she was told they were not asked to take any. Mr. Sloma said he would appreciate further direction from the Board.

Mr. Sloma provided an update on nominations for the Featherstone Reid Award and stated that the Board will have a choice to make. Chair Lake reported that the Board was invited to and did participate in a December 14 joint legislative hearing regarding emergency preparedness.

#### **GENETICS TASK FORCE UPDATE**

Mr. Sloma gave the Board an update on the first Genetic Task Force meeting. Ms. Lake and Mr. Sloma discussed the outstanding membership of the task force and described the content of the first meeting and what the next steps will be. Since the Newborn Screening rule is under review now, DOH provided an overview of the department's Newborn Screening program at the Task Force meeting. The Task Force discovered that other states destroy their tests while our state does not.

#### **UPDATE ON HEALTH OFFICERS EMERGENCY POWERS (CURRENTLY IN CHAPTER 246-101-505 WAC)**

Dr. Locke first stated that the issue of health officers' emergency powers a very important issue that he is involved in. He explained why and told the Board that the rule is now open for review (see the CR-101 in Tab 6). Ms. Pageler stated that public response is needed, and it must be clear who has the powers to implement important decisions such as quarantine, removing people from the streets, etc. Dr. Hayes stated that many agencies do not understand where the authorities are vested.

#### **ENVIRONMENTAL HEALTH PROPOSED WORK PLAN**

Mr. Osaki outlined the proposed work plan for the Board's Environment Health Committee (See Tab 7). It includes a new area of work surveying community assessment processes currently used by local, state and federal agencies.

***Motion:** The State Board of Health approves the Draft Summary of Planned Work, Environmental Health, 2001-03 as submitted January 9, 2002.*

***Motion/Second:** Osaki/Finkbonner*

***Approved:** unanimously*

Ms. Pageler suggested that the work plan include examination of the effect of pharmaceuticals in drinking water supplies.

**STATE HEALTH REPORT**

Craig McLaughlin, Senior Health Policy Manager for the Board, discussed the draft of the *Proposed State Health Report* found in Tab 8. He explained that since the Board has not had very broad review outside state agencies, staff suggests that a draft be submitted to the governor now while there is a broad 30-day review. After review and further revisions, Board members will provide their final suggested changes. Since the February meeting is tentative, Chair Lake could approve the final report that would be submitted to the Governor for approval by March. Board members asked a few questions regarding terminology and process. Dr. Hayes stated that the draft report is outstanding. It is consistent with the expectation of the Governor and is strong by having developed the report in collaboration with other agencies. She also stated that the report adequately portrays important health issues and is appropriately complementary with the Public Health Improvement Partnership. Ms. Pageler asked staff to look at the section on access and to mention the King County research on racial discrimination.

***Motion:** The Board authorizes the Chair to transmit the draft of the proposed State Health Report, as presented January 9, to the governor for review and comment. It directs the staff to solicit public comment on the report until 5 p.m. on February 8, revise the draft as necessary and appropriate, and circulate it one more time to members of the Board for review and comment. At the end of the process, the Chair is authorized by the Board to approve a final draft and transmit it to the Governor for action.*

***Motion/Second:** Finkbonner/Corkrum*

***Approved:** unanimously*

**ANNUAL REPORT**

Mr. McLaughlin reviewed the draft Annual Report and asked for the Board's approval. See Tab 9 and see the final report in the front of the notebooks.

***Motion:** The Board may wish to consider, amend and approve the following motion: The Board adopts the "Washington State Board of Health 2001 Annual Report" as submitted on January 9, 2002.*

***Motion/Second:** Osaki/Pageler*

***Approved:** unanimously*

**LEGISLATIVE PROCESS**

Mr. McLaughlin explained the process described in Tab 11. Ms. Pageler asked if the health care committee leadership has changed. Ms. Patty Hayes from DOH explained that the changes have just been finalized and she will provide the information to staff. She also announced that the Legislature has established the new Security Committee. Chair Lake called the Board member's attention to the role they will be asked to play during session, especially regarding budget issues.

**APPLICATION OF CHAPTER 246-217 WAC TO ADULT FAMILY HOMES**

Mr. Osaki introduced Mr. Bill Day, lobbyist for the Adult Family Home Association of Washington, and presented the topic described in Tab 11. Mr. Day explained that an adult family home is a single-family residence that can be licensed for the care of up to six individuals. He described the development of these licensed entities. He explained his concerns and asked the Board for help. He introduced Mr. Craig Fredrickson, owner of an adult family home that he shares with five residents. He stated his concerns (see Tab 11 for Mr. Fredrickson's letter describing his concerns in detail) about the current regulation in place and is asking that the rule be reviewed and not be enforced at this time. He wanted to be sure that the rule balances health and safety, respects the rights of individuals in the homes, and is consistent with other laws that do not treat adult family homes as institutions. An adult family home is a residence and not a health care setting. Ms. Lake stated that staff will do background work on this issue and staff will be in contact with Mr. Day and Mr. Fredrickson.

### **PUBLIC TESTIMONY**

No public testimony was heard.

### **LUNCH**

### **WELCOME – WA HE LUT INDIAN SCHOOL**

The Board reconvened at 12:35 p.m. in joint session with the American Indian Health Commission (AIHC). Wa He Lut school children and staff provided a series of performances that included singing, storytelling, dancing, and drumming, with “Grandpa Joe” and Marlene Andrews. Mr. Claymore served as emcee. Everyone learned the “turtle power” chant. For more information about the school, visit [www.wahelut.bia.edu](http://www.wahelut.bia.edu) on the Web.

Billy Frank (Nisqually), Chairman, Northwest Indian Fisheries Commission, welcomed the group to Frank’s Landing. He emphasized the importance of meeting, working together, and trying to find answers that make life better for the children.

Board Member Joe Finkbonner (Lummi) welcomed the groups. This meeting he said, represented a culmination of the work he has done wearing two hats, one as a member of the State Board of Health and the other as former Chair of the AIHC. He said he believes it is the beginning of a process of two bodies with common goals and overlapping work plans coming together to improve life in Indian Country.

### **INTRODUCTIONS:**

Chair Lake provided a brief overview of the Board’s work, including rule making, recommending health policy on strategic areas, and encouraging public engagement. For more information, refer to the “The Board’s Book of Business” section of the 2001 Annual Report of the Board.

Marilyn Scott (Upper Skagit), AIHC Chair, who has family ties to several of the Indian tribes of the Pacific Northwest and is also the Chair of the Upper Skagit Tribe, discussed the role of the Commission. In 1994, in response to the Tribal Leaders Summit on Health Care Reform and the Health Services Act of 1993, the tribes established the AIHC to address health issues and concerns of the tribes. The Commission established relationships with the Department of Health and the Office of the Insurance Commission. Each tribe appointed a representative. The commission also allows participation for at-large members representing organizations and other groups. It works to assure quality of health care and be a voice for the tribes in health care. It does not replace government-to-government relationships. It also provides a forum to solicit information from the tribes. AIHC meets quarterly with elected officers designated as the executive committee. The Northwest Portland Area Indian Health Board (NPAIHB) staffs it. The commission adopts positions on key health issues and host summits to discuss and clarify issues. Ms Scott mentioned that government-to-government consultation with the tribes on health policy is key.

Mr. Finkbonner said Ms. Scott had done a great job and he had nothing to add.

Chair Lake said the Board is advisory, the Board works with a lot of different groups, and that she and the Board would be looking for opportunities where the Board and the Commission can work together.

### **TRIBAL-STATE RELATIONS**

Kimberly Craven (Sisseton-Wahpeton Sioux), Executive Director, Governor’s Office of Indian Affairs (GOIA), provided an overview of state-tribal relations. She said Washington is on the

cutting edge compared to other states. In 1989, the tribes and Governor Booth Gardner signed the Centennial Accord, which set the stage for government-to-government relations and recognized tribal autonomy. The document provides for an annual meeting to review the government-to-government relationship. The most recent meeting led to an agreement to set maximum autonomy for management of tribal social and health programs. Workgroups will be tackling various issues. One is working to lower the number of Indian children in foster care (they are 2 percent of the population and 14 percent of children in foster care). American Indians also have the highest youth suicide rate of all racial and ethnic populations. GOIA also offers government-to-government trainings.

Mel Tonasket (Colville), former member of the Colville Confederated Tribes Tribal Council spoke about the history of tribal-state relationships. He discussed an early survey of Colville Confederate Tribes and the number of children in foster care, the incarceration rate, and other issues. Relationships outside the tribe at the time were largely about conflict. Everything the tribe tried to do was in conflict with the State of Washington. He spoke about the amount of money spent fighting state government through lawsuits and a discussion about what could be done with that money if the tribes had a document describing a cooperative relationship with the state. Out of that came the concept of the Centennial Accord. He said today few people in state government understand the sovereignty concept and the new leadership that comes to the tribal councils has not taken the time to understand the history. He said he is proud of the Indian community in Washington and echoed the sentiment that Washington State is the leader in the country. There is a significant history and there is significant work still to do, he said.

Lou Anderson complimented Mr. Tonasket on his leadership.

Ree Sailors, Governor's health policy advisor, shared that the government-to-government consultation in the fall was considered a very good consultation and said the Governor's Office is committed to improving on that for future consultations.

Ms. Craven mentioned that GOIA now has an implementation guide for the Centennial Accord.

Chair Locke said the Board is always looking for ways to improve public engagement and would be looking for help in ways to engage American Indians.

### **INDIAN HEALTH SYSTEM OVERVIEW**

Ed Fox, Executive Director of the NPAIHB, spoke about the tribal health care system. He said the reason Washington leads the nation is because the tribes get along with one another. NPAIHB, he said, was founded by the tribes 30 years ago and represents all of the tribes in the area. It has grown from a \$3 million-a-year organization to a \$6 million-a-year organization. Northwest tribes are founders of the self-determination movement for Indian health, he said, but noted that we still have Indian Health Service "direct service" tribes.

Ralph Forquera (Juaneno Band, Acjachmen Nation), Executive Director of the Seattle Indian Health Board, spoke about Indian health in urban settings, as opposed to tribal programs. Urban Indian programs are basically community health centers with federal grants to support access to health care for Indians living in urban areas. Seattle is one of the leading communities for the development of Indian health and the Seattle Indian Health Board is one of the most comprehensive programs in the country. It has recently established an epidemiology program because there is not enough data about urban Indian health status. He said it has been difficult to get recognition for urban Indians because they are such a small percent of the population. For more information on urban Indian health, see the Kaiser Family Foundation report Mr. Forquera authored.

### **HEALTH STATUS OF AMERICAN INDIANS AND ALASKA NATIVES**

Ms. Scott introduced Mr. Finkbonner who presented a slideshow developed by Dr. Francine Romero (Jemez-Pueblo), of the Northwest Portland Area Indian Health Board, on the health status of American Indians, the Indian Health Service, and the NPAIHB. For more information, see the copy of the slideshow.

Ralph Forquera said the NPAIHB findings were very similar to findings with urban Indians. He mentioned a Seattle schools district study that found that Indian youth had an average of six sexual partners by the time they were 15 years of age.

### **DISCUSSION OF SUGGESTED SUE CRYSTAL MEMORIAL INDIAN HEALTH INITIATIVES:**

The Honorable Pat Thibaudeau spoke about the effort to develop the Sue Crystal Memorial Award. She said Rep. Eileen Cody, chair of the House Health Care Committee, had also wanted to attend the joint meeting but was called away on legislative business.

Ms. Scott said the executive committee of the Commission and representatives of the Board had met to brainstorm ideas and concepts to share with the Board and Commission to memorialize and recognize the work Sue Crystal did to improve the wellness of the tribal communities. These concepts and ideas, she said, are just a start. There needs to be a lot more input from the tribal side and from representatives of the state.

Cindy Lowe (Jamestown S’Klallam), AIHC Vice Chair, presented information on the concept of a Sue Crystal Annual Award for Leadership in Indian Health. The award would go to an individual to honor excellence in Indian health care and allow them to be an example, especially for youth.

Mr. Forquera discussed the idea of creating an endowed professorship or endowed chair at the University of Washington in health policy. The idea came from Sue Crystal’s abiding interest in health policy. A chair or professorship would keep her name alive and encourage work on Indian health issues. It also would help ensure Indian health issues are not lost in the policy debate. He said he met with representatives of the University health faculty and they were very receptive. An endowed professorship at the University of Washington requires a \$500,000 endowment to support a half-time position. Half of this would probably come through grants. An endowed chair requires \$1 million and funds a full-time faculty position. The development officer for the department could possibly help raise some of the money, perhaps to match a legislative contribution. He provided a short write-up.

Ms. Pageler asked if there were other such endowed positions and asked whether this would be unique and would make the University of Washington a center. Mr. Forquera and Mr. Fox said there was an endowed faculty position at the University of Arizona but none of them knew of anything comparable in the Northwest. Mr. Forquera said it could evolve into a center of some sort.

Brian Cladoosby (Swinomish), Swinomish Tribe Chair and president of the Washington Association of Tribes, presented information on work with the Tribal Leaders Association and the Legislature to explore creating a non-voting position within both houses of the Legislature. He noted that Alan Parker, at the Northwest Indian Policy Center at The Evergreen State College, surveyed 50 states and received 34 responses. Mr. Cladoosby summarized how other states handle tribal issues. He stressed that it would be in the best interest of the Legislature to create a tribal voice in the Legislature. In the past, he said, efforts to create a liaison body failed because the tribes could not agree about tribal representation.

Ms. Scott presented information about the Sue Crystal Indian Health Act. The act, which she strongly supported, would be similar to the federal Health Care Improvement Act. It would establish additional state funding to jointly develop legislation that would clearly identify and reduce the health disparities of Alaska Natives and American Indians within the state. It would also codify government-to-government relationships between the tribes and state health agencies. She asked for discussion about the suggested initiatives to weed out ideas and identify additional ideas to move forward.

Ms. Craven said she had a great deal of respect for Sue Crystal, who was such a dynamic individual, and would like to see something more reflective of her personality. She suggested forming a work group to hammer out something. She said the Higher Education Coordinating Board allows many name scholarships after Native people.

Sen. Thibeaudeau said she appreciated all of the comments and understood that part of Ms. Scott's proposal was for a minimal amount of money for a planning grant for 2003. She said there are things that can be done without state money and perhaps we need to take some time to plan all of this together.

Ms. Sailors said she is honored to have been recruited and mentored by Sue Crystal. She suggested another option based on the management fellows program in Florida. Perhaps, she suggested, the Sue Crystal Indian Fellows program could assign people from state agencies to work elbow-to-elbow with the tribes.

Chair Lake said the Board was interested in continuing to help with this ongoing discussion. Mr. Sloma said that this is unprecedented with the coming together of two independent commissions with members of the Legislature and that clear direction would be helpful for staff.

Ms. Selecky said it would be good to identify and prioritize ideas on which to move forward. She noted that hearing that the price of an endowed chair was \$1 million blew her away in this tight budget year, and that the Board and Commission could recognize leadership. She noted that the Department could raise private and foundation funds to develop proposals.

Chair Lake asked Sen. Thibeaudeau about the timeframe if the Board and the Commission moved forward together.

Sen. Thibeaudeau said the summer summit sounded like a good venue to her.

Mr. Frank said we have to be realistic about what we are talking about. He said he has heard many good things talked about and they can be done if we together think it out and lay out a plan. He suggested not adding anything to the agenda already before the Legislature this session. He said he appreciated the Board coming to the Wa He Lut School.

Chair Lake said we are all interested in creating a fitting memorial. We are also learning how each other works and there is a flow and a time to bringing things together. Perhaps the summit might be the next place for something to happen. She said the Board expects to hear periodic updates from staff.

Kris Locke said the AIHC has no resources of its own. Resources come from the NPAIHB or the tribes. She is concerned that there is no staff for the Commission and even moving the work forward between now and the summit might be an issue.

Ms. Scott spoke about earlier discussion about efforts to get the health summit funded in late summer and early fall. Requests for contributions have gone out to the tribes. She asked whether Board might be able to provide a limited amount of staff support time to continue the activities



leading up to the summer. Ms. Selecky said the Department might use its new authority to go after additional foundation funding.

Mr. Finkbonner asked if the Board would allow Marianne Seifert to continue to work with the Commission in preparation for the summit. Mr. Osaki agreed. He said he would like to have some input into some of the ideas mentioned, and would like to work through Ms. Seifert to articulate some of his thoughts. Ms. Seifert agreed that she would like to continue this work.

**CLOSING REMARKS/ADJOURNMENT**

Mr. Finkbonner said that the list of possible ideas existed because he asked the Commission to come up with a list, but that many members of the Commission felt it would take time to develop an appropriate memorial.

The meeting was adjourned at 4:20 p.m.

WASHINGTON STATE BOARD OF HEALTH

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Linda Lake, Chair